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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,319	07/24/2003	Ching-Ho Lien	1121030	2286

7590 07/18/2006

PRO-TECTOR INTERNATIONAL SERVICES  
20775 Norada Court  
Saratoga, CA 95070-3018

EXAMINER
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HYUN, PAUL SANG HWA

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding..

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,319	<b>Applicant(s)</b> LIEN, CHING-HO	
	<b>Examiner</b> Paul S. Hyun	<b>Art Unit</b> 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **REMARKS**

Claims 1 and 3-6 are currently pending. Applicant cancelled claim 2 in response to the Office Action mailed on 11/30/05.

With respect to the objection to the Abstract cited in the previous Office Action, the objection is withdrawn in light of the replacement Abstract submitted by Applicant.

With respect to the objections to claims 1 and 3 cited in the previous Office Action, the amendments submitted by Applicant has been acknowledged and the amendments overcome the objections. Consequently, the objections are withdrawn.

With respect to the rejection of claims 2 and 3 under 35 U.S.C. 112 2<sup>nd</sup> paragraph cited in the previous Office Action, the amended claims as well as the amended Specification that clarifies the term 'bio-carbon' submitted by Applicant have been acknowledged. Consequently, the rejections are withdrawn in light of the amendments and the clarification.

It should be noted that the amendments made to the claims have changed the scope of all pending claims. The amended claims recite structural features and limitations that were not present in the originally filed claims.

### ***Specification***

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to

comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

Page 2, line 2: the word "been" should be deleted.

Page 3, line 20: the word "is" should be inserted between "(blood, serum, etc.)" and "dropped".

Page 4, line 13: the reference "substrate 2" should be "substrate 1".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

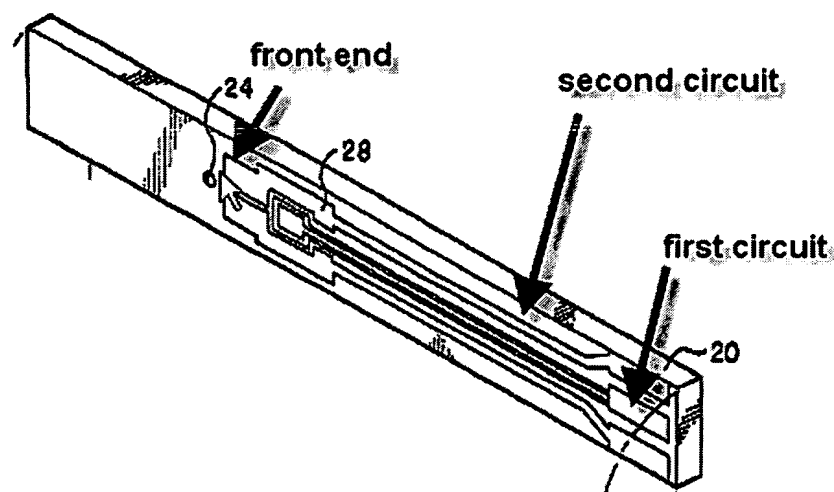
A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Bojan et al. (US 2002/0099308 A1).

Bojan et al. disclose an elongated test strip 10 for analyzing fluid samples (see Fig. 1). The test strip is adapted to be inserted into a meter. The test strip comprises a skin-contacting layer 12, and a protruding guide portion in the form of an opening 26 in the overcoat layer 16 that guides the sample fluid to a sample accumulation space of a detecting layer 28 printed on a meter-contacting layer 20. The detecting layer 28 comprises a plurality of circuits, each circuit comprising an electrode made from carbon

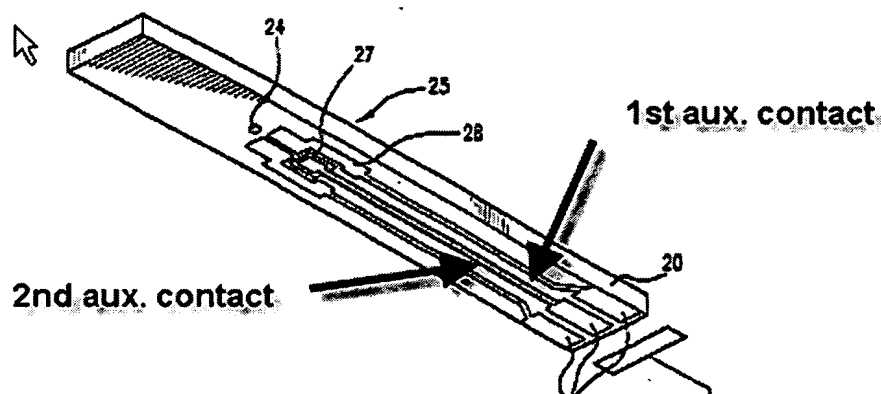
containing an enzyme (i.e. glucose oxidase) (see [0072]). The detecting layer is adapted to react with a fluid sample and produce an electrical signal indicative of the presence and concentration of an analyte of interest. Each circuit of the detecting layer comprises a front probe end adapted to contact the sample fluid, a rear contact end adapted to contact a corresponding contact of the meter, and an elongated transmission section connecting the two ends.



Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Eppstein et al. (US 2004/0158137 A1).

Eppstein et al. disclose an elongated test strip 10 for analyzing fluid samples (see Fig. 1). The test strip is adapted to be inserted into a meter. The test strip comprises a skin-contacting layer 12, and a protruding guide portion in the form of an opening 26 in the overcoat layer 16 that guides the sample fluid to a sample accumulation space of a detecting layer 28 printed on a meter-contacting layer 20. The

detecting layer 28 comprises a first circuit 27A and a second circuit 27 B, each circuit comprising an electrode made from carbon containing an enzyme (i.e. glucose oxidase) (see [0149] and Fig. 2). The detecting layer is adapted to react with a fluid sample and produce an electrical signal indicative of the presence and concentration of an analyte of interest. Each circuit of the detecting layer comprises a front probe end adapted to contact the sample fluid, a rear contact end adapted to contact a corresponding contact of the meter, and an elongated transmission section connecting the two ends. The detecting layer further comprises a pair of auxiliary contacts 27C spaced between the rear contacts of the first circuit and the second circuit wherein the auxiliary contacts are connected to the second circuit via the detecting layer 28 (see [0053] and [0058]).



### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3-6 have been considered but are moot in view of the new ground(s) of rejection. Amendments made to the claims have changed the scope of all pending claims and necessitated new grounds of

rejection. Specifically, all the claims now recite a protruding guide portion as well as a circuit pattern formed of bio-carbon.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul S. Hyun whose telephone number is (571)-272-8559. The examiner can normally be reached on Monday-Friday 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSH  
7/10/06



**YELENA GAKH  
PRIMARY EXAMINER**